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8 Patient Care Ombudsman

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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re
ARIAN MOWLAVI,
Debtor-In-Possession.

Chapter 11
Case No.: Case No. 8:22-bk-10296 SC

**STATUS REPORT AND EIGHTH
INTERIM REPORT OF PATIENT CARE
OMBUDSMAN PURSUANT TO 11
U.S.C. §333(b)(2)**

Judge: Hon. Scott C. Clarkson

Status Hearing:
Date: January 17, 2024
Time: 11:00 a.m.
Ctrm: 5C – Fifth Floor
(via ZoomGov)

1 **TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY**
2 **JUDGE, THE OFFICE OF UNITED STATES TRUSTEE, THE CHAPTER 11 TRUSTEE,**
3 **AND ALL PARTIES OF INTEREST:**

4 **I. Appointment of Patient Care Ombudsman Pursuant to 11 U.S.C. § 333**

5 Pursuant to Federal Rules of Bankruptcy and the order directing this appointment entered
6 by this Court Tamar Terzian was duly appointed as the successor Patient Care Ombudsman (PCO)
7 for Dr. Arian Mowlavi. (the “Dr. Mowlavi”) in this case. In accordance with Section 333(b)(2) this
8 eighth interim report (the “Eighth Interim Report”) is hereby respectfully submitted for the period
9 of October 1, 2023, through January 1, 2024 period (the “Eighth Reporting Period”).

10 In compliance with the federal privacy requirements, the PCO cannot disclose any
11 individually identifiable health information that could distinguish a patient directly or could
12 provide a reasonable basis to do so. *See* 45 CFR §160.103. Accordingly, while all PCO's
13 observations, audits, and interviews occurred between her appointment and the filing of this
14 report, the specific names and interview dates will not be provided.

15 Further, as with all regulatory/compliance work, the PCO does not assume liability for
16 compliance obligations under state and federal law and any and all proposed or implementing
17 regulations. Moreover, while the PCO may use auditing tools/guidelines that are employed by
18 certification agencies and auditors, the PCO does not certify the Hospitals compliance with
19 regulatory standards.

20 **II. Current Status of Continued Practice:**

21 PCO continues to conduct her duties by making unannounced visits at 32406 Coast
22 Highway, Laguna Beach, CA 92651 (the “Surgical Center”), communicating with Debtor's
23 counsel, the physician of the LA Surgical Center (“L.A. Surgery Center”) and the duly appointed
24 Chapter 11 Trustee. During PCO's visit, Dr. Mowlavi has leased the offices of the Surgical Center
25 and is no longer conducting any operations in the Surgical Center. Based on this new lease, all
26 items have been relocated to the back post-operation recovery area. PCO observation during this
27 interim period had no employees other than his surgical technician that were present during the
28 Surgery Site visit. Dr. Mowlavi had approximately 6-10 pre-operation and post-operation

1 consultations per week, and no procedures.

2 Medical Board is aware of patients status and has also appointed a physician to review
3 consults conducted by Dr. Mowlavi. The Medical Board is currently investigating and has not
4 disclosed any information to PCO. There is also an investigator appointed from the California
5 Department of Consumer Affairs, who was present during the Search. The PCO has limited
6 information because it is an ongoing investigation.

7 **Medical Records**

8 The Medical Records are stored on-site. The medical records are stored in L.A. Surgical
9 Center. PCO did not observe any patient charts in the L.A. Surgical Center, because it is unclear
10 how charts are maintained in the L.A. Surgical Center location for Dr. Mowlavi's patients and the
11 overall relationship in terms of sharing patients.

12 **Physician Interviews**

13 During visits to Laguna, PCO spoke to the surgical technician and Dr. Mowlavi. As stated
14 above, there are no surgical procedures performed in the Laguna location. The Los Angeles
15 physician was responsive to PCO's requests. Staffing is provided for surgeries in the L.A. Surgery
16 Center, including but not limited to an anesthesiologist, one nurse, one medical assistant and one
17 surgical technician.

18 **III. Conclusion**

19 PCO recommends that Dr. Mowlavi regularly report to PCO and Chapter 11 Trustee all
20 events affecting patient care during such consultations.

21 Dated: January 10, 2024

TAMAR TERZIAN

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By: /s/Tamar Terzian
Tamar Terzian
Patient Care Ombudsman

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